

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

2311 RACING LLC d/b/a 23XI RACING, and
FRONT ROW MOTORSPORTS, INC.,

Plaintiffs,

v.

NATIONAL ASSOCIATION FOR STOCK
CAR AUTO RACING, LLC, NASCAR
HOLDINGS, LLC, NASCAR EVENT
MANAGEMENT, LLC, and JAMES FRANCE,

Defendants.

No. 3:24-cv-886-KDB-SCR

NASCAR EVENT MANAGEMENT, LLC,

Counter-Plaintiff,

v.

2311 RACING LLC d/b/a 23XI RACING,
FRONT ROW MOTORSPORTS, INC., and
CURTIS POLK,

Counter-Defendants.

MOTION TO SEAL

Pursuant to Local Rule 6.1, 2311 Racing LLC d/b/a 23XI Racing, Front Row Motorsports, Inc., and Curtis Polk (collectively, “Movants”) respectfully move this Court for an order permitting them to file certain materials under seal. In support of this motion, Movants state as follows:

On Friday, September 12, 2025, Movants intend to file (1) a motion for summary judgment against NASCAR’s counterclaim; (2) a motion to exclude the expert testimony of John L. Hansen; (3) a motion to exclude the expert testimony of Ed Desser; and (4) a motion to exclude the expert

testimony of Professor Thomas N. Hubbard (collectively, the “Motions”), all of which will include citations to record evidence and expert reports. In support of the Motions, Movants plan to file a memorandum of law and reply brief for each, along with the following documents:

1. Documents produced in this litigation with “Confidential” and “Highly Confidential – OCO” designations under the Stipulated Protective Order in this case (Dkt. 85), including confidential communications and sensitive business information. *See Jeld-Wen, Inc. v. MMG Mgmt. Consulting, Inc.*, 2017 U.S. Dist. LEXIS 21478, at *5 n.1 (W.D.N.C. Feb. 15, 2017) (document “sealed to protect the parties’ confidential, commercially sensitive, private and proprietary information”) (internal quotations omitted). Accordingly, these documents should be sealed to avoid harming the parties’ businesses and business relationships. *See, e.g., Whirlpool Props., Inc. v. Filters Fast, LLC*, 2019 WL 553452, at *2 (W.D.N.C. Feb. 12, 2019) (granting motion to seal documents that contained “confidential and proprietary business information”); *Sound Sec., Inc. v. Sonitrol Corp.*, 2009 WL 1754790, at *1 (W.D.N.C. June 18, 2009) (granting motion to seal “sensitive business information”).

2. Movants also request leave to file under seal unredacted versions of their forthcoming memoranda of law and replies in support of their four motions. The redactions for each memorandum will be narrowly tailored to prevent public dissemination of NASCAR’s and Movants’ sensitive business information. To maintain the confidentiality of this information, the unredacted versions of Movants’ memoranda of law and reply briefs should be sealed. *See, e.g., Norkunas v. HP Hospitality, LLC*, 2010 WL 3943924, at *2 (W.D.N.C. Oct. 7, 2010); *Whirlpool Props.*, 2019 WL 553452, at *2.

3. Movants’ counsel conferred with counsel for NASCAR regarding the instant motion. Counsel for NASCAR stated that NASCAR consents to the filing of Discovery Materials

designated by NASCAR as “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – OCO” under seal and that NASCAR takes no position as to Discovery Materials designated as Protected Material by any other party or non-party under the Stipulated Protective Order.

Movants seek to have these documents filed under seal permanently or until deleted by the Court.

For the reasons stated above, Movants respectfully request the Court grant their motion to seal the following in connection with their forthcoming Motions: (1) documents produced in this litigation with “Confidential” and “Highly Confidential – OCO” designations under the Stipulated Protective Order in this case; (2) confidential communications and sensitive business information; and (3) unredacted versions of the forthcoming memoranda of law and reply briefs in support of the Motions.

Dated: September 11, 2025

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CERTIFICATE OF COMPLIANCE

No artificial intelligence was employed in doing the research for the preparation of this document, with the exception of such artificial intelligence embedded in the standard on-line legal research sources Westlaw, Lexis, FastCase, and Bloomberg. Every statement and every citation to an authority in this document has been checked by an attorney in this case and/or a paralegal working at his/her direction (or the party making the filing if acting pro se) as to the accuracy of the proposition for which it is offered, and the citation to authority provided.

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